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SH2276178

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

February 1, 2011

Captain David Smith
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0653
L.A.S.D. DR # 010-14781-2140-038

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 21, 2010, non-fatal shooting of Kevin Kirkwood by Los Angeles Sheriffs Deputy Kason Barraclough. We have concluded that Deputy Barraclough acted in lawful self-defense and defense of another.

The following analysis is based on reports prepared by the Los Angeles Sheriff's Department (LASD), submitted to this office by Sergeant Steve Rubino and Detective Peter Hecht. The District Attorney Response Team, comprised of Deputy District Attorney Shelly Torrealba and Senior Investigator [redacted] responded and was given a briefing and a walk-through of the scene. Deputy Barraclough's voluntary statement was considered in our analysis.

FACTUAL ANALYSIS

On August 21, 2010, Deputies Kason Barraclough and Henry Molinar were in a marked patrol car and in full uniform. At approximately 10:30 P.M., the deputies responded to a disturbance call at 120th Street and Central Avenue involving a "male with a blue backpack trying to rob people in front of the liquor store." Upon arrival, the deputies exited their vehicle and observed Kevin Kirkwood near three males in the eastern portion of the parking lot. One male had blood dripping from his face and the other males were pointing at Kirkwood. Kirkwood began walking toward the deputies with his backpack raised waist high and reached inside with his right hand. Kirkwood then walked towards the deputies while pointing the backpack which concealed the contents of his right hand. Barraclough and Molinar ordered Kirkland to stop and "take his hands out of the bag" numerous times. Molinar heard Kirkwood yell "Fucking shoot me!" as he

continued to walk towards the deputies in disregard of their commands. When Kirkwood was approximately 15 feet from the deputies, Barraclough fired three rounds from his handgun grazing Kirkwood in the head. Kirkwood immediately fell to the ground and a hammer and multiple screwdrivers fell out of his backpack. While Molinar handcuffed Kirkwood, he repeatedly stated "Why didn't you kill me?"

Prior to the deputies' arrival at the liquor store parking lot, Kirkwood attempted to carjack [redacted] and his [redacted] then later stabbed [redacted] as he was seated in his vehicle with [redacted]

Kevin Kirkwood's Mirandized Statement

Kirkwood admitted punching [redacted] as he sat inside his vehicle but denied stabbing him. He also admitted punching [redacted] then chasing his vehicle and punching out the rear passenger window. Kirkwood further admitted fighting with three males at the liquor store and knocking one guy to the ground. He then saw the deputies arrive and heard their commands to show his hands. Kirkwood wanted the deputies to believe he had a gun in his backpack and deliberately walked towards the deputies to provoke them to shoot and kill him. Kirkwood admitted to being on [redacted] and not taking his medication.

Kevin Kirkwood's Weapons

Prior to the deputies' arrival, numerous witnesses observed Kirkwood using a hammer and screwdriver as weapons against bystanders. [redacted] was stabbed by Kirkwood three times and received seven sutures to his left arm. Kirkwood's backpack contained one hammer, three screwdrivers, one putty knife and one pair of wire cutters.

Kevin Kirkwood's Criminal History

Kirkwood was 24 years-old and [redacted] He also had a history of receiving psychiatric medical care and was a member of the "Carver Park Crips."

As a result of this incident, Kirkwood was arrested for attempted carjacking in violation of Penal Code § 664/215 and assault with a deadly weapon in violation of Penal Code § 245(a)(2) which resulted in a multiple count felony complaint filed under case number TA114176. The case remains pending in Compton for preliminary hearing.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears that the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Randle* (2005) 35 Cal.4th 987, 994; *People v. Mercer* (1962) 210 Cal.App.2d 153.

In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. Graham v. Connor (1989) 490 U.S. 386, 396-398. An officer may reasonably use deadly force when he confronts a suspect in close proximity whose actions indicate intent to attack; in those circumstances, the court cannot ask officers to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer. Martinez v. County of Los Angeles (1996) 47 Cal.App.4th 334.

The evidence examined shows that Deputies Barraclough and Molinar were dispatched to 120th and Central Avenue to handle a robbery call. Upon their arrival, they saw Kirkwood attacking a male who was bleeding from his face. When Kirkwood was asked to lower his backpack and show his hands, he refused. Kirkwood then reached into and pointed the backpack at the deputies as if he had a concealed firearm and advanced towards the deputies. Despite constant orders from Deputies Barraclough and Molinar, Kirkwood refused to show his hands and continued walking towards them. Deputy Barraclough, in fear that Kirkwood was armed and about to shoot, fired three rounds from his service weapon, knocking Kirkwood to the ground. Kirkwood's actions placed Deputy Barraclough in reasonable fear of death or great bodily injury causing him to respond with deadly force.

Based on our examination of the evidence, it was reasonable for Deputy Barraclough to conclude he was in fear for his life and the life of his partner, Deputy Molinar, when he discharged his service weapon at Kevin Kirkwood. Thus, we conclude the deputy acted in lawful self-defense and defense of another when he used deadly force against Kevin Kirkwood. We are therefore closing our file and no further action will be taken.

Very truly yours,

STEVE COOLEY
District Attorney
By Shelly Torrealba by: Rosa Alarcon

SHELLY TORREALBA
Deputy District Attorney
(213) 974-3888

c: Deputy Kason Barraclough, #[redacted]

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 06/17/2011	Bureau/Station/Facility: Century Sheriff's Station	Admin. Invest.? ☐	Hit? ☒

[illegible]

URN: 010-14781-2140-038	Date: 08/21/2010	Time: 2248 hours

City or Station: Century

Location: 12000 Central Avenue, Los Angeles

Nature of Incident: Suspect Kirkwood reached into a duffle bag and simulated that he was holding a weapon inside the bag, in addition to taking a shooting stance as he raised the bag toward Deputies Barraclough and Molinar. Deputy Barraclough, who feared for his life and the safety of his partner, shot the suspect grazing him on the head.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, **Parking Lot** (circled), Residence, Rural, School, Street

Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot

Other: Simulated Weapon

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
3	0

Aero Unit? ☐ Canine Unit? ☐

[illegible]

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Molinar	Henry	L.	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

[illegible]

Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]
Work Ph	-				[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]
Work Ph	[redacted]				[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	-
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]
Work Ph	-	Home Ph	-		

[illegible]

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Gallegos	Clarence	G.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty (circled), Present during shooting, Witness to shooting, **Involved in shooting** (circled)

[illegible]

Employee #	Last Name	First Name	M.I.
[redacted]	Bardon	Joshua	A.

[illegible]

Employee #	Last Name	First Name	M.I.
[redacted]	Thatcher	Michael	E.

PSTD Use Only
SH # ______

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 010-14781-2140-038

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/22/2010	0230 hrs	06/17/2011	

Employee #	Last Name	First Name	M.I
[redacted]	Grimaldi	Mike	J.
[redacted]	Quichocho	Frank	F.
[redacted]	Roberts	Teri	T.

Method

Code	Method	Code	Method
(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

Code	Type of Injury
(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

Code	Body Part
(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

Code	Brand	Code	Brand	Code	Brand
(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

Code	Caliber	Code	Caliber	Code	Caliber
(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E#1	FH	ZZ	WW	-	-	-	-
E#1	S	FH	BR	9	Y	Y	GS	HE

Officer Involved Shooting
Involved Employee Information

URN: 010-14781-2140-038

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Involved Employee

E 1

Employee # [redacted] | Last Name: Barraclough | First Name: Kason | M.I.: D.

Sex: M | Race: W | Rank: Deputy | Unit Assignment: Century | Work Assignment (Unit #, Module, etc.): 213H

ShiftTime (*circle only one*): (EM circled) PM Day | ShiftType (*circle only one*): (Regular circled) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled) | Other Factors:

Age: [redacted] | Height: 6'02 | Weight: 190

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ | Number of Prior Shootings: 2 | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 3 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. -

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

Officer Involved Shooting
Suspect Information

Suspect Information

S 1

Last Name Kirkwood		First Name Kevin	M.I. K.
AKA Last Name King		First Name Kevin	M.I. K.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	State & Zip Code [redacted]
Work Phone: N/A	Home Phone: N/A	Social Secu[redacted]	Driver's Licen[redacted]
Age: 24 D.O.B. 11/01/85	Height: 5'06 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # 2450126	Primary Charge: 664/215 PC	Secondary Charge: 245(a)(1) PC; 422.6(a) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used: None detected
Armed? ☒	Apprehended? ☒	Mental Illness? ☒	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	N/A	N/A	N/A
[redacted]	[redacted]	-	[redacted]	N/A	N/A	N/A
[redacted] (State Parole Agent)	[redacted]	-	[redacted]	[redacted]	[redacted]	N/A

County of Los Angeles
SHERIFF'S DEPARTMENT
HIT SHOOTING EVALUATION
(On Duty)
(Suspect wounded)

UNIT: Century Sheriff's Station
DATE: August 21, 2010, Saturday
TIME: Approximately 2300 hours
LOCATION: 12000 Central Avenue, Los Angeles
URN#: 010-14781-2140-038
IAB#: SH2276178

NATURE OF INCIDENT:

On August 21, 2010, at approximately 2248 hours, Century Deputy Kason Barraclough, Employee #[redacted] shot Suspect Kevin Kirkwood (MB/24) after he pointed a simulated handgun at him and his partner, Deputy Henry Molinar, Employee #[redacted]

While on routine patrol, Deputies Barraclough and Molinar responded to the area of 120th Street and Central Avenue, Los Angeles, regarding a "business disturbance" call. The call stated that a black male about 20 years old, with a blue backpack was trying to "jack" people and/or rob them in front of the liquor store (Tag# CEN10233-0278).

> **<u>IAB Note:</u>** Deputy personnel ran a waiting incident call, in addition to obtaining information over the local tactical (L-Tac) channel prior to the call being dispatched from the station. Refer to IAB interviews of Deputy Barraclough and Molinar.

> **<u>IAB Note:</u>** A review of the Century Station desk call back to Witness [redacted] (MH/15), for additional information was made at 2248 hours.

> **<u>IAB Note:</u>** IAB contacted [redacted] who stated that he called Century Station on August 21, 2010, to report his observations at 120th Street/Central Avenue (Tag# CEN10233-0278). He said three minutes later, at 2248 hours (per Century Station voice print), he received a call back asking him for additional information.

As the deputies drove into the parking lot of the liquor store, they saw a male Hispanic (Victim [redacted] bleeding profusely from a head injury. They also saw a male Black (Suspect Kirkwood) that matched the suspect's description in the call for service at the opposite end of the parking lot.

As deputies attempted to make contact with the suspect and the victim in the parking lot of the strip mall location, the victim ran from them. The suspect turned and began walking away from the deputies; however, stopped and picked up a backpack from the ground. The suspect then placed his right hand into the duffle bag and faced deputy personnel by walking back toward them in a sidestep lateral type movement. Both deputies exited their patrol vehicle and gave repeated orders for the suspect to drop the backpack and show his hands. The suspect ignored their orders and instead, raised his hands to the waistband area, while the right hand was still inside the backpack, the suspect pointed it directly at them simulating a firearm.

Believing that the suspect was holding a firearm in the backpack, which was based on the suspect's demeanor, behavior and actions, in addition to the suspect's subsequent motion of taking a shooting stance toward them, deputy personnel feared for their safety, as well as the citizens in the area.

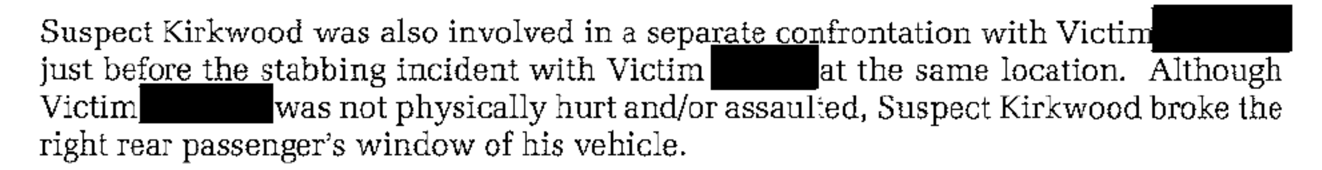
Based on Suspect Kirkwood's immediate and imminent threat toward deputy personnel, coupled with believing that the suspect was about to shoot them, Deputy Barraclough fired three rounds at the suspect, striking him. The suspect then fell to the ground and was taken into custody without further incident.

Suspect Kirkwood sustained a grazing bullet wound to the top of his head. He was then transported to Saint Francis Medical Center where he was treated, released, and okayed for booking. Neither deputy was injured.

Homicide Investigators later interviewed Suspect Kirkwood, who told them that he had psychological disorders and had stopped taking his medication. He told Homicide Investigators that he ignored the deputies orders and reached into the backpack because he wanted them to kill him.

> **<u>IAB Note:</u>** Refer to Exhibit A; Page 8, regarding the discharge instructions from Emergency Room Doctor Stephen Michael indicating the suspect is suicidal.

It was later determined that Suspect Kirkwood, moments earlier had stabbed Victim [redacted] multiple times in the chest, and legs in an attempt to steal his vehicle at the liquor store, which was related to the call for service. The victim was later located by deputies at Saint Francis Medical Center, who positively identified Suspect Kirkwood as the individual who stabbed him.


Suspect Kirkwood was also involved in a separate confrontation with Victim [redacted] just before the stabbing incident with Victim [redacted] at the same location. Although Victim [redacted] was not physically hurt and/or assaulted, Suspect Kirkwood broke the right rear passenger's window of his vehicle.

Suspect Kirkwood admitted having contact with individuals at both incidents, but not to the assaults.

A large, bloody screwdriver, which was used to stab Victim [redacted] was recovered from inside the backpack, along with two other screwdrivers and a hammer.

Three expended 9mm shell casings and two projectiles fired from Deputy Barraclough's weapon were recovered at the scene. Deputy Barraclough's weapon was transported to the Sheriff's Crime Laboratory for testing.

Members of the Internal Affairs Bureau, Risk Management Bureau, Office of Independent Review, and the District Attorney's Office responded and were briefed by Lieutenant Coleman, Homicide Bureau.

The Letter of Opinion from the Los Angeles County District Attorney's Office stated the following conclusion:

"The evidence examined shows that Deputies Barraclough and Molinar were dispatched to 120th and Central Avenue to handle a robbery call. Upon their arrival, they saw Kirkwood attacking a male who was bleeding from his face. When Kirkwood was asked to lower his backpack and show his hands, he refused. Kirkwood reached into and pointed the backpack at deputies as if he had a concealed firearm and advanced towards the deputies. Despite constant orders from Deputies Barraclough and Molinar, Kirkwood refused to show his hands and continued walking towards them. Deputy Barraclough, in fear that Kirkwood was armed and about to shoot, fired three rounds from his service weapon, knocking Kirkwood to the ground. Kirkwood's actions placed Deputy Barraclough in reasonable fear of death or great bodily injury causing him to respond with deadly force."

"Based on our examination of the evidence, it was reasonable for Deputy Barraclough to conclude he was in fear for his life and the life of his partner, Deputy Molinar, when he discharged his service weapon at Kevin Kirkwood. Thus, we conclude the deputy acted in lawful self-defense and defense of another when he used deadly force against Kevin Kirkwood. We are therefore closing our file and no further action will be taken."

The following summary is based on written documentation, and interviews of involved victims, witnesses, suspect, and deputy personnel.

INVOLVED PERSONNEL:

Barraclough, Kason D., Deputy, Employee #[redacted]
Century Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	09-3-1996
Date Assigned to Patrol:	[redacted]
	01-19-2001 (Century)
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	09-23-2002: Armed Person
	04-30-2003: Armed Person
Prior Founded Force Incidents:	[redacted]

Molinar, Henry L., Deputy, Employee #[redacted]
Century Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	03-22-1989 to 07-01-2002
Re-Hire:	03-21-2008
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	

INVOLVED SUSPECT:

Kirkwood, Kevin K., MB/24, DOB: 11-01-85, 5'06/130, Blk/Bro.
Address: [redacted] Home: [redacted]
CII# [redacted] MAIN# [redacted] FBI# [redacted]
SSN: [redacted] CYA: [redacted]

Involved Suspect History:
Suspect Kirkwood was [redacted]

At the time the incident, Suspect Kirkwood [redacted] out of Norwalk Sheriff's Station [redacted]

[redacted]

VICTIM'S:

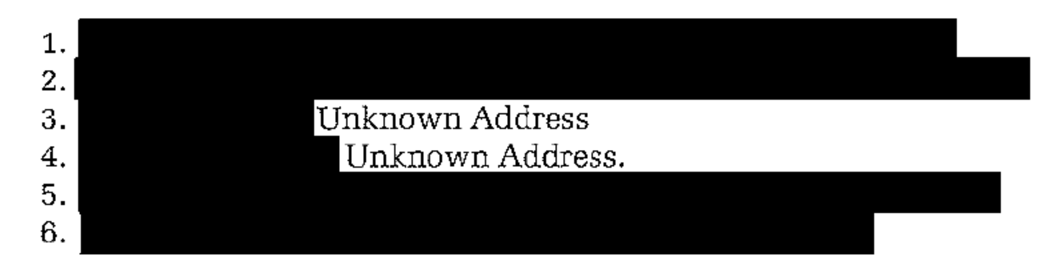
Civilians:
1. [redacted] MH/22
2. [redacted] MH/22

> **IAB Note: Refer to Exhibit A for a detailed from the Homicide interviews.**

Sworn Personnel:
1. Deputy Kason Barraclough
2. Deputy Henry Molinar

> **IAB Note: Refer to the Exhibit A for a detailed summary from the Homicide interviews.**

CIVILIAN WITNESSES:



1. [redacted]
2. [redacted]
3. [redacted] Unknown Address
4. [redacted] Unknown Address.
5. [redacted]
6. [redacted]

> **IAB Note: Refer to Exhibit A for a summary from the Homicide interview.**

CANVASSED AREA:

The strip mall area of where the incident occurred, as well as the surrounding neighborhood was canvassed by Century Sheriff's Station deputy personnel.

> **IAB Note: For details, Refer to Exhibit A for a supplementary report by patrol personnel on Pages 22 - 31.**

DEPARTMENT WITNESS(S):

Deputy Henry L. Molinar.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Kason Barraclough, Employee #[redacted] was interviewed by Internal Affairs Sergeant Frank Quichocho and Lieutenant [redacted] on February 16, 2011, at approximately 1058 hours. Deputy Barraclough was represented by ALADS Attorney Anna Slotky from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Deputy Barraclough stated that he and his partner, Deputy Molinar responded to a "disturbance call" at the location of 120th Street and Central Avenue, Los Angeles. He recalled that the call for service was voiced over the dispatch frequency and they assigned themselves to the call; however, he could not recall the specifics of the call and/or if it was either a priority or emergent type call.

Upon arrival, Deputy Barraclough (driver) said he entered the location from the corner of Central Avenue, and saw a group of Hispanics with one of them bleeding profusely from the head. He stated that he could clearly see the bleeding male Hispanic (Victim [redacted] who was standing up and facing him. He added that the bleeding victim was about ten feet in front of their marked patrol car.

Deputy Barraclough said that the group of Hispanic males began to point in a northeasterly direction toward a male Black individual (Suspect Kirkwood), who was at the other end of the parking lot. He stated that Suspect Kirkwood was also pointing back at the group of male Hispanics. Deputy Barraclough added that at this point, he did not know what type of crime had occurred between the parties involved.

Based on the call for service (CEN 10233-0278), which stated, "a male Black, twenty, white T-shirt, with a blue backpack; trying to 'jack' people going to the liquor store; disturbing party possibly trying to rob people; has a black leather jacket, black beanie, unknown weapons," Deputy Barraclough said he focused on the bleeding male Hispanic as the victim and the male Black, who fit the description in the call as the suspect.

Deputy Barraclough stated that Suspect Kirkwood was about forty feet from their patrol car when he initially saw him at the other end of the parking lot. As he drove his patrol car toward Suspect Kirkwood, Deputy Barraclough said the suspect looked toward him and appeared as if he wanted to flee from them by turning around and walking away.

Once Deputy Barraclough closed the distance to within fifteen feet, Suspect Kirkwood abruptly stopped walking and picked up a backpack from the ground. Suspect Kirkwood then changed direction by quickly walking back south parallel to the passenger side of the patrol car. Deputy Barraclough stated that Suspect Kirkwood's behavior was of concern to him as he initially believed the suspect was going to flee from him; however, the suspect then changed his direction of travel.

Deputy Barraclough stated that as soon as Suspect Kirkwood picked up the backpack with his left hand, he saw him bring it up to his waistband area and simultaneously placed his right hand into the backpack. He described Suspect Kirkwood's movement's as kind of "blading off" with his shoulder toward their direction as he walked south past their patrol car. He further explained Suspect Kirkwood's walk as a lateral sidestep from ankle to ankle keeping his body squared-off and directly facing them. Due to Suspect Kirkwood's actions, Deputy Barraclough said he became scared; therefore, he alerted Deputy Molinar by yelling, "Watch out!" several times, as he quickly exited the driver's side of the patrol car.

Deputy Barraclough said his fear was based on Suspect Kirkwood's demeanor as if he had mustered the courage to re-engage them after turning his back on them initially. He stated that due to the suspect's behavior in reaching into the backpack with his right hand, he believed there was a gun or some sort of weapon in the backpack that would ultimately hurt him, his partner or the citizens in the area.

As Deputy Barraclough confronted Suspect Kirkwood, he said that he gave him several orders and commands to show his hands, of which the suspect repeatedly ignored.

Deputy Barraclough explained that as Suspect Kirkwood continued to "blade" them as he walked south past the passenger side of the patrol car, his eyes were glued on the hand that was inside the backpack fearing that it contained a firearm. He stated that since he was so focused on Suspect Kirkwood's movements and hands, he was not able to see where Deputy Molinar had positioned himself. He added that as soon as he exited the patrol car, he drew his weapon; however, he did not acquire target acquisition at that time, due to Deputy Molinar being in the line of fire. Once Suspect Kirkwood cleared Deputy Molinar, Deputy Barraclough said he pointed his gun at the suspect without causing a crossfire situation.

As Suspect Kirkwood made his way toward the south side of the parking lot, Deputy Barraclough said that Suspect Kirkwood was still facing them while walking in a lateral sidestepping maneuver. He said that Suspect Kirkwood eventually appeared to position himself in a manner where he faced both Deputy Molinar and himself. He added that Suspect Kirkwood was still holding the backpack up with his left hand, at the waist band area, while the right hand was still inside of it pointing in their direction.

Deputy Barraclough stated that when Suspect Kirkwood stopped and faced him, the suspect was about fifteen feet from the rear of the patrol car facing him in a north westerly direction. He said that the item the suspect was holding inside the backpack appeared to be heavy as it appeared to keep his arm stationary.

The following is an excerpt from Deputy Barraclough's transcript during his interview with Homicide Investigators (Page 7, Line 16):

Rubino: So in your mind, you thought that he possibly had a weapon or a handgun or something inside that bag?

Barraclough: Yeah, I thought maybe this guy is trying to get in a different position on us, to shoot us, because I mean I couldn't wait to see it, because in my head, there's a gun in there. This whole time I said there is a gun in there, just the way his arm was cocked to the side, like he was reaching the handle of a gun and this is just a backpack and he could shoot us right through this backpack and that would be a great kind of like psychological advantage on us, because he'd get the upper hand, because you know, maybe sometimes people feel that they've got to actually see the gun before something happens, but sometimes they never even bring it out. I mean this is just a fabric backpack that, and it wouldn't change the shot at all.

Rubino: Now, and when you shot, how far away were you from the suspect?

Barraclough: I, around, approximately fifteen feet.

Rubino: And then how, how many shots did you fire?

Barraclough: I fired three rounds.

Rubino: So were they like one after another or how did you --

Barraclough: Yeah, it was just pop, pop, pop. It wasn't any difference in time between any of them.

Rubino: And did he go, fall to the ground immediately or?

Barraclough: Immediately. I mean it's almost, he went down so fast, it's almost like he went down off the first shot and that was so fast, but I mean I fired three rounds. It was a quick, quick burst.

Rubino: And then when he went to the ground, how did he fall?

Barraclough: He went down face first, he had his arms down to his side and his head was facing away from us.

After the shooting, Deputy Barraclough said that Suspect Kirkwood told him to finish him off meaning to kill him. He said he did not notice any signs of narcotics and/or alcohol use from the suspect at the time of the incident.

Prior to the shooting, Deputy Barraclough stated that he gave several commands for the suspect to show his hands, take his hand out of the backpack, and to drop the backpack. He said he did everything he could to diffuse the situation and prevent the suspect from escalating the confrontation.

At the time of the shooting, Deputy Barraclough said there was no crossfire situation between him and Deputy Molinar, and no obstructions between him and the suspect. He added that he was a few feet just behind the driver's side bumper of the patrol car at the quarter panel area (drivers' side rear tire) when he shot the suspect.

Deputy Barraclough stated that the entire incident from the time they arrived on scene to the time of the shooting was about 30 seconds. He said the incident happened very fast and that all they had time to do at that moment was to warn each other of the immediate and imminent threat that the suspect had posed toward them. He stated that officer-safety communication did occur between him and Deputy Molinar while they were faced with Suspect Kirkwood's threat of bodily harm toward them.

Deputy Barraclough described his backdrop as the corner of a business location, which was either a fish market, and/or liquor store. At the backdrop, Deputy Barraclough stated there were no entrances and no pedestrian traffic at the time of the shooting. He added that as Suspect Kirkwood was flanking him, the suspect began to move in a southwesterly direction. By moving directly south, the suspect would have ended at the dead-end corner of the "L" shaped strip mall area. Deputy Barraclough indicated that if the suspect had continued moving west that the potential for him to enter the liquor store was evident since it was still open for business.

Although Victim [redacted] was bleeding profusely from a head wound, Deputy Barraclough said he could not determine what type of weapon caused the injury. He added that he and his partner were in the process of assessing the incident, which rapidly evolved into a shooting within 30 seconds. He stated that the handling unit and other assisting units arrived at the location seconds after the shooting had occurred.

Deputy Barraclough said there was sufficient lighting in the parking lot that enabled him to clearly see what was happening and he did not have to use a flashlight.

Deputy Barraclough stated that he had point of aim and target acquisition toward the suspect.

Deputy Barraclough indicated that his department-issued weapon is light-mounted; however, he does not recall if he had it on because of how well lit the parking lot was at the time of the incident.

Deputy Barraclough said that after the shooting had occurred, he saw an SUV flee the parking lot east on 120th Street, which he believed were the victims to the call for service.

IAB Note: Refer to the transcribed copy of
Deputy Barraclough's interview for further details.

Deputy Henry Molinar, Employee #[redacted] was interviewed by Internal Affairs Sergeant Frank Quichocho and Lieutenant [redacted] on February 16, 2011, at approximately 1017 hours. Deputy Molinar was represented by ALADS Attorney Anna Slotky from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Deputy Molinar said that he and his partner, Deputy Barraclough responded to a call for service at 120th Street/Central Avenue, Los Angeles as assisting units. He said he was the bookman (passenger), and his partner was the driver.

Deputy Molinar stated he did not exactly know the contents of the call, however, he recalled that it was in relation to a male Black who was standing in front of a liquor store harassing patrons. He said it took them about two to three minutes to get to the location when they received the call for service.

Upon arrival, Deputy Molinar said they entered the parking lot from the west entrance, which was the Central Avenue side. He then saw three male Hispanics advancing on a male Black individual (Suspect Kirkwood) in the parking lot, and eventually began arguing and shoving each other. As they drove closer, Deputy Molinar said that Suspect Kirkwood separated himself from the group and began to walk north through the parking lot.

Deputy Molinar stated that by the time they reached Suspect Kirkwood, the suspect had stopped walking away from them and reached into a backpack with his right hand. He then heard Deputy Barraclough saying, "Watch his hands!" several times. At this point, Deputy Molinar said he pulled his weapon out, pointed it at Suspect Kirkwood and jumped out of the patrol car. He said he also ordered Suspect Kirkwood to show his hands several times.

During the confrontation, Deputy Molinar said that Suspect Kirkwood initially faced south toward the stores to the south end of the strip mall; however, the suspect eventually made his way in front of him and "fanned out" to the right of him.

At this point, Deputy Molinar explained that he lost visual contact of the three male Hispanics, as well as his partner since he was focused on Suspect Kirkwood's immediate and imminent threat toward him. He stated that he continued yelling at the suspect to show his hands; however, Suspect Kirkwood responded by yelling back at him that he should not have exited the patrol car, and to shoot him or get back into the patrol car.

Deputy Molinar said as he diverted his attention for a couple of seconds to look for the three male Hispanics and his partner, he heard three popping noises. He said he was not sure what the three pops were, but then saw Suspect Kirkwood fall onto the ground with the backpack still in his hand underneath his body. He then looked at his partner, and determined that he shot the suspect. Deputy Molinar then told Deputy Barracalough to cover him as he approached Suspect Kirkwood and kicked out the backpack from underneath his body. The backpack spilled out its contents onto the

ground with assorted tools and debris. Deputy Molinar subsequently handcuffed Suspect Kirkwood without further incident.

As soon as Suspect Kirkwood was handcuffed, Deputy Molinar stated that Deputy Barraclough put out emergent radio traffic.

Deputy Molinar indicated that when he lost sight of his partner, what he meant was that he had tunnel vision of the suspect, and through his peripheral vision was trying to ascertain the whereabouts of Deputy Barraclough. He stated that he knew Deputy Barraclough was nearby and could help him if it was necessary.

Deputy Molinar said that he initially believed some type of crime like a robbery had occurred or a fight due to the male Hispanic bleeding from the head, in addition to the call for service.

At the time, Deputy Molinar said he could not determine if the suspect was under the influence of drugs/alcohol or suffered from a mental disability.

Deputy Molinar said the distance between Suspect Kirkwood and himself as the suspect moved south across the passenger side of the patrol car was about 15-20 feet.

Deputy Molinar said the distance between Suspect Kirkwood and himself at the time of the shooting was about 15-20 feet.

Deputy Molinar stated that as Suspect Kirkwood walked south away from him, he tracked the suspect by keeping a distance of about 15 feet the entire time.

At the location, Deputy Molinar said he believed the lighting conditions appeared to be dim.

During the encounter, Deputy Molinar stated that he had a clear visual of Suspect Kirkwood the entire time and that there were no obstructions.

Deputy Molinar described the backpack that Suspect Kirkwood was holding as similar to the ones kids use for school. He explained that Suspect Kirkwood was holding the backpack with his left hand, while the right hand was inserted into the zipper part of the bag.

Based on his observations, coupled with Suspect Kirkwood's manipulation of the bag, Deputy Molinar believed that the suspect was retrieving a weapon, either a knife or gun. Although Deputy Molinar could not see through the backpack, he believed that the suspect's actions were threatening and highly assaultive.

Deputy Molinar further described Suspect Kirkwood's movements as walking backward in sort of a semicircle motion toward the south side of the parking lot, which was to the rear of their patrol car.

While tracking Suspect Kirkwood, Deputy Molinar said that he had point of aim, and target acquisition. During the confrontation, Deputy Molinar said the suspect kept yelling, "Shoot me," or "Kill me," several times. After the suspect was shot, Deputy Molinar heard the suspect telling Deputy Barraclough to shoot and kill him, several times.

Deputy Molinar said that the backdrop of the shooting was a closed business location. He stated that the businesses on the entire east side of the strip mall was closed; however, the liquor store to the south side was still open.

Deputy Molinar said that just prior to Suspect Kirkwood being shot, his body was angled to a position to where he faced Deputy Barraclough more so than him.

During the shooting, Deputy Molnar believed Deputy Barraclough was to the right and just behind him.

Deputy Molinar said that from the time he responded to the call service to the time the suspect had been shot was about two minutes.

Deputy Molinar stated that he and Deputy Barraclough have worked together in the past and have been involved in other tactical incidents, whereby they have already discussed, preplanned and rehearsed incidents such as this.

After the shooting, Deputy Molinar stated that he saw Suspect Kirkwood bleeding from the head, which he believed was from the shots fired at him.

Deputy Molinar concluded by stating that he felt threatened by the suspect's actions, in that the suspect had his hands in the backpack and he did not know what the suspect was holding inside the backpack. At the time of the shooting, Deputy Molinar said he was not sure of who fired the gunshots since there were many things going on at the time; however, once he saw the suspect fall to the ground and saw smoke coming out of his partner's gun, he realized that it was Deputy Barraclough who shot the suspect.

Deputy Molinar indicated that once Suspect Kirkwood was shot and fell to the ground, the suspect no longer presented a threat to them; therefore, he did not shoot the suspect.

<u>IAB Note:</u> Refer to the transcribed copy of Deputy Molinar's interview for further details.

VICTIM STATEMENT

[redacted] MH/22, was interviewed by Homicide Investigators at Century Sheriff's Station, along with members of the District Attorney's Office and Internal Affairs Bureau on August 22, 2010, at 0350 hours, who related the following:

[redacted] said he picked up three other individuals [redacted] and [redacted] at [redacted]s home and drove to the liquor store located at 120th Street and Central Avenue, in Los Angeles. He stated they intended to buy liquor on their way to a party.

As [redacted] parked his vehicle (black, 4dr, Honda Accord) in front of the liquor store facing north, he could see from his rear view mirror the suspect (Kirkwood) coming out from what he believed was the liquor store. He said Suspect Kirkwood approached him on the driver's side door and asked, "Where are you from?" Knowing the terminology as that referring to gang members, [redacted] told Suspect Kirkwood that he was not a gang member. Suspect Kirkwood responded by stating, "You guys are Surenos" and "Fuck Mexicans."

All of a sudden, Suspect Kirkwood began to assault [redacted] by striking him through the open driver's door window. [redacted] said it wasn't until the third blow that he realized Suspect Kirkwood was stabbing him with a knife. He then panicked and leaned back in an attempt to fend off Suspect Kirkwood's attack with his feet and legs by kicking him.

[redacted] described his injuries as a stab to the chest, a cut to the left elbow, and a puncture wound to the left thigh.

During the attack, [redacted] said he eventually escaped out of his vehicle through the passenger's door, along with his [redacted] They both ran to the northeast corner of 120th Street, where there was an entrance/exit into the parking lot and waited there as they continued to observe Suspect Kirkwood from a distance. [redacted] said [redacted] and [redacted] remained in his vehicle during and after the attack.

[redacted] stated that Suspect Kirkwood walked back toward the liquor store and began attacking a male Hispanic individual (30-35 years old, 5'08, heavy set, wearing a white T-shirt), who eventually fell to the ground.

At this time, [redacted] ran back toward his vehicle, retrieved it, and drove it to where he picked up [redacted] on their way to Saint Francis Medical Hospital for treatment of his injuries. [redacted] described the weapon Suspect Kirkwood used as a "blade."

[redacted] did not see deputy personnel arrive at the location. He also stated that he was not drinking alcohol at the time of his assault.

While being treated at the hospital, [redacted] said he positively identified Suspect Kirkwood, who was also being treated as the individual who stabbed and assaulted him at 120th Street and Central Avenue.

<u>IAB Note:</u> For further details, refer to a supplementary reports written by patrol personnel on Exhibit A, Page 19 and Page 27.

[redacted] positively identified Suspect Kirkwood from a Six-pack identification form as the individual who stabbed him multiple times.

IAB Note: For further details, refer to Homicide's Bureau's summary of Victim [redacted] interview on Exhibit A, Page 50.

[redacted] MH/22, was interviewed by Homicide Investigators at Century Sheriff's Station, along with members of the District Attorney's Office and Internal Affairs Bureau on August 22, 2010, at 0520 hours. [redacted] related the following:

[redacted] said he was with his [redacted] as he drove to the liquor store located at 120th Street and Central Avenue in his 1998 Greyish Infiniti I30 to meet [redacted] and [redacted]

At the liquor store, [redacted] said Suspect Kirkwood walked up to the driver's window of his vehicle, which was rolled down only three to four inches and asked to speak to him. When [redacted] refused to roll his window all the way down, Suspect Kirkwood began to force it down with his hands, at which time, [redacted] then locked the vehicle doors.

[redacted] said Suspect Kirkwood began to fidget with a blue backpack with his right hand during the confrontation and tried to get in by trying to open the driver's door. At this point, [redacted] stated that he believed Suspect Kirkwood was trying to "jack" him.

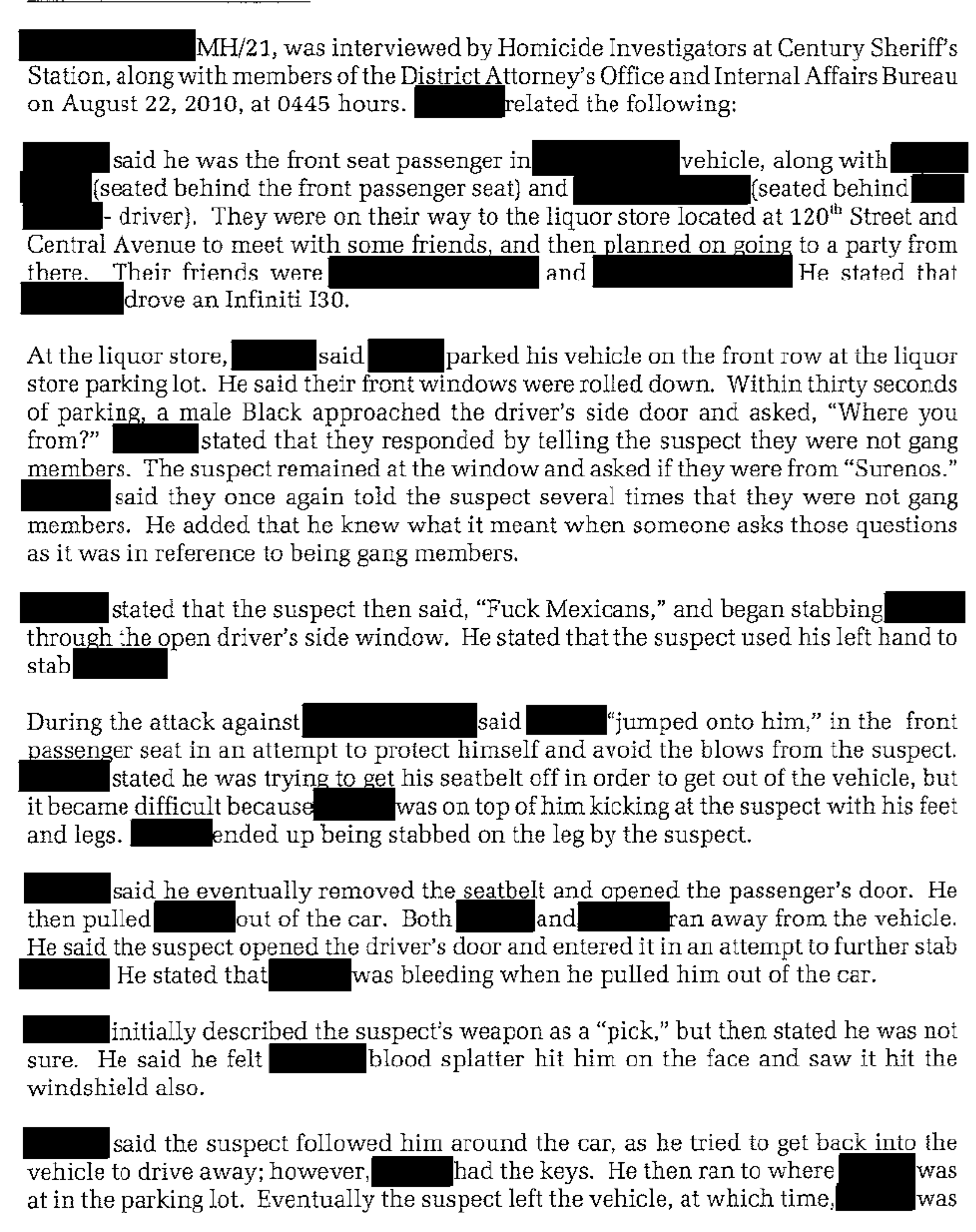
Due to the Suspect Kirkwood's actions, [redacted] said he drove out of the parking lot onto Central Avenue, where he stopped at the red light on 120th Street. As he looked back, [redacted] saw Suspect Kirkwood approaching his vehicle. Fearing further confrontation with Suspect Kirkwood and not knowing what was in the backpack that the suspect was still carrying or if their lives were in danger, [redacted] decided to run the red light to escape from the location.

As he was running the red light, [redacted] said Suspect Kirkwood had closed the distance to his vehicle and was able to break the right rear passenger's window. He was not able to see what was used to break the window. He added that [redacted] was the right rear passenger of the vehicle.

[redacted] said he called [redacted] to advise them of what happened, when [redacted] told him that they were on their way to the hospital because [redacted] had been stabbed at the liquor store on 120th Street and Central Avenue.

It was later determined that Suspect Kirkwood was the same suspect involved in the two separate assaults at 120th Street and Central Avenue with [redacted] and [redacted] just minutes apart.

[redacted] positively identified Suspect Kirkwood from a Six-pack photographic identification form as the individual who attempted to car jack him.



IAB Note: For further details, refer to Homicide's Bureau's summary of Victim [redacted] interview on Exhibit A, Page 55.

WITNESS STATEMENTS

[redacted] MH/21, was interviewed by Homicide Investigators at Century Sheriff's Station, along with members of the District Attorney's Office and Internal Affairs Bureau on August 22, 2010, at 0445 hours. [redacted] related the following:

[redacted] said he was the front seat passenger in [redacted] vehicle, along with [redacted] (seated behind the front passenger seat) and [redacted] (seated behind [redacted] - driver). They were on their way to the liquor store located at 120th Street and Central Avenue to meet with some friends, and then planned on going to a party from there. Their friends were [redacted] and [redacted] He stated that [redacted] drove an Infiniti I30.

At the liquor store, [redacted] said [redacted] parked his vehicle on the front row at the liquor store parking lot. He said their front windows were rolled down. Within thirty seconds of parking, a male Black approached the driver's side door and asked, "Where you from?" [redacted] stated that they responded by telling the suspect they were not gang members. The suspect remained at the window and asked if they were from "Surenos." [redacted] said they once again told the suspect several times that they were not gang members. He added that he knew what it meant when someone asks those questions as it was in reference to being gang members.

[redacted] stated that the suspect then said, "Fuck Mexicans," and began stabbing [redacted] through the open driver's side window. He stated that the suspect used his left hand to stab [redacted]

During the attack against [redacted] said [redacted] "jumped onto him," in the front passenger seat in an attempt to protect himself and avoid the blows from the suspect. [redacted] stated he was trying to get his seatbelt off in order to get out of the vehicle, but it became difficult because [redacted] was on top of him kicking at the suspect with his feet and legs. [redacted] ended up being stabbed on the leg by the suspect.

[redacted] said he eventually removed the seatbelt and opened the passenger's door. He then pulled [redacted] out of the car. Both [redacted] and [redacted] ran away from the vehicle. He said the suspect opened the driver's door and entered it in an attempt to further stab [redacted] He stated that [redacted] was bleeding when he pulled him out of the car.

[redacted] initially described the suspect's weapon as a "pick," but then stated he was not sure. He said he felt [redacted] blood splatter hit him on the face and saw it hit the windshield also.

[redacted] said the suspect followed him around the car, as he tried to get back into the vehicle to drive away; however, [redacted] had the keys. He then ran to where [redacted] was at in the parking lot. Eventually the suspect left the vehicle, at which time, [redacted] was

able to make it back into his vehicle and drove away, stopping to pick him up on the way to the hospital. He said [redacted] left hand was injured from the attack and drove to the hospital using only his right arm.

As they were driving away from the location, [redacted] said he saw the suspect approach a male Hispanic exiting the liquor store and attack him. He said the male Hispanic was wearing a white T-shirt.

[redacted] said he did not see deputy personnel at the location. He stated he has never seen the suspect before. He added that he had not been drinking alcohol.

[redacted] positively identified Suspect Kirkwood from a Six-pack photographic identification form.

> **IAB Note:** For further details, refer to Homicide Bureau's summary of Witness [redacted] interview on Exhibit A, Page 53.

[redacted] MH/23, was interviewed by Homicide Investigators at Century Sheriff's Station, along with members of the District Attorney's Office and Internal Affairs Bureau on August 22, 2010, at 0550 hours. [redacted] related the following:

[redacted] said he and his [redacted] drove to the liquor store located at 120th Street and Central Avenue, Los Angeles, to meet friends and go to a party. He said [redacted] parked his Infiniti I30 in front of the liquor store closer toward Central Avenue. While in the parking lot, [redacted] stated that a male Black approached the driver's side of the vehicle, where [redacted] was seated and asked him to roll down the window. Their windows had only been slightly opened at this time.

[redacted] said that an argument ensued between the male Black and [redacted] about rolling down the window, as the suspect eventually placed both of his hands into the driver's window and forcefully attempted to push it down. The suspect also tried to open the driver's door, when [redacted] locked it from the inside.

Due to the suspect's actions, [redacted] became scared and told [redacted] to drive out of the parking lot. He said [redacted] was able to get out of the parking lot and drive north on Central Avenue where he stopped at the red light at 120th Street. While stopped at the red light, [redacted] saw the suspect approach their vehicle and break the right rear window before they were able to get away by running the red light.

[redacted] said they pulled over at a Shell Gas Station to assess the damage to [redacted] vehicle and to also call his friends whom they were going to meet at the liquor store. After speaking to his friends, [redacted] said he knew he had to report their incident, at which time, they drove home and called the police.

[redacted] described the suspect as a male Black, 30-40 years old, wearing a black jacket, black pants, and a black beanie. He said the suspect was also carrying a blue backpack. During the confrontation, [redacted] stated the suspect constantly fidgeted with the

contents of the backpack; however, he said that he did not know what was inside the backpack, but believed the suspect had a gun.

[redacted] positively identified Suspect Kirkwood from a Six-pack photographic identification form.

> **IAB Note:** For further details, refer to Homicide Bureau's summary of Witness [redacted] interview on Exhibit A, Page 57.

[redacted] MH/19, was interviewed by Homicide Investigators at Compton Sheriff's Station on August 25, 2010, at 1610 hours. [redacted] related the following:

[redacted] told Homicide investigators he was seated in the right rear passenger seat of [redacted] vehicle, when they arrived at the liquor store located at 120th Street and Central Avenue. He said [redacted] parked his vehicle in front of the liquor store facing north. At this time, [redacted] noticed several male Blacks leaning against the outside wall of the liquor store. Within a minute of arriving, [redacted] stated that a male suspect approached the driver's side window and asked, "Where your from?" and "Are you Surenos?" The suspect also asked if they belonged to a gang. [redacted] said he told the suspect that they did not "bang."

Sometime during the verbal confrontation, [redacted] said they locked the car doors as the suspect began to punch [redacted] with his right hand several times. [redacted] said he initially did not realize that the suspect was actually stabbing [redacted] with what he described as a "house-made knife" until he saw him [redacted] bleeding. He stated that [redacted] eventually escaped from further attack through the passenger's door of the vehicle. He stated that during the assault on [redacted] he believed that the suspect never realized he and [redacted] were in the back seat. After about two minutes, [redacted] said [redacted] returned to the vehicle and drove it out of the parking lot. He added that as they were driving away from the liquor store, he saw the suspect attack another male Hispanic at the location.

[redacted] told detectives he was not a gang member.

[redacted] described the suspect as a male Black, with a beard, wearing a black leather jacket, black shirt, and black beanie.

[redacted] positively identified Suspect Kirkwood from a Six-pack photographic identification form.

> **IAB Note:** For further details, refer to Homicide Bureau's summary of Witness [redacted] interview on Exhibit A, Page 68.

[redacted] MH/20, was interviewed by Homicide Investigators at Compton Sheriff's Station on August 25, 2010, at 1610 hours. [redacted] related the following:

[redacted] said that he and his friends [redacted] - driver, [redacted] - front passenger, and [redacted] - right rear passenger) were on their way to the liquor store located at 120th Street and Central Avenue, Los Angeles, to meet up with some other friends before heading off to a party. [redacted] said he was seated in the left rear passenger seat, behind the driver's seat.

As [redacted] parked the vehicle in front of the liquor store, in one of the first parking stalls, [redacted] stated that the suspect approached the driver's window. He then heard the suspect ask, "Are you guys Surenos?" [redacted] said they told the suspect they were not gang members several times.

[redacted] told detectives he knows that "Sureno" is a term in reference to gang members. He also advised detectives that neither he nor his friends were gang members.

At this point, [redacted] said the suspect began hitting [redacted] and saying, "Fuck Mexicans." He added that he believed the suspect was not aware of his or [redacted] presence in the back seat of the vehicle during his attack against [redacted] Eventually, he saw both [redacted] and [redacted] escape through the passenger door and out of view. At some point, [redacted] said [redacted] was able to make it back to the vehicle and drive it out of the parking lot. While driving away from the parking lot, [redacted] said he saw the suspect attacking a male Hispanic at the liquor store.

[redacted] described the suspect as a male Black, early 30's, beard/mustache, unshaven, 5'08/5'09, not skinny or fat, wearing a dark blue jacket, and carrying a backpack. He added that the suspect appeared to be carrying a knife, but could not see it.

[redacted] positively identified Suspect Kirkwood from a Six-pack photographic identification form.

> **IAB Note:** For further details, refer to Homicide Bureau's summary of Witness [redacted] interview on Exhibit A, Page 69.

[redacted] MH/15, was interviewed by Homicide Investigators at his residence on August 23, 2010, at 1200 hours. [redacted] related the following:

[redacted] told Homicide Investigators that he, his [redacted] MH/12), and [redacted] walked to the liquor store at 120th Street and Central Avenue. While [redacted] stood at the corner of the street, he saw a male Black standing in front of the liquor store punch an elderly man, who fell to the ground then got up and walked away. [redacted] added that the male Black would only harass "Mexicans," but not black people at the location.

A short time later, [redacted] saw the police arrive at the scene. [redacted] said he decided to walk toward the west driveway entrance of the location on the Central Avenue side. He

said that the suspect appeared to be leaving when the police first arrived. [redacted] then saw the suspect stop and start walking toward the police holding a bag with one hand and the other hand inside the bag. He said the suspect began to argue with the police, but he could not hear his comments.

[redacted] said he heard the police yelling at the suspect several times to drop the bag, back away and get on the floor; however, the suspect would not comply with their commands. He stated that the suspect continued to reach inside the bag, near the waistband area. [redacted] added that suspect was yelling at the police, "Shoot me mother-fuckers!" He then heard three gunshots and saw the suspect fall to the ground. As the suspect lie on the ground, [redacted] said he heard him telling the police, "Officer, Officer, I'm going to die!" and "I'm not dead mother-fuckers. Fuck Surenos. If I don't die, when I get out I'm coming after all of you bitches!"

[redacted] described the suspect as wearing black jeans, black shoes, a black beanie cap, and a black long sleeve shirt or jacket, in addition to a black bandana that covered his mouth.

> <u>**IAB Note:**</u> For further details, refer to Homicide Bureau's summary of Witness [redacted] interview on Exhibit A, Page 67.

<u>**Parole Agent**</u> [redacted] was interviewed by Homicide Investigators at Century Sheriff's Station, on August 23, 2010, at 1030 hours. Agent [redacted] related the following:

[redacted] told Homicide Investigators that he was placing a [redacted] on Suspect Kirkwood for not reporting as required and for being a [redacted] He stated that Suspect Kirkwood [redacted] In addition, [redacted] said that Suspect Kirkwood was receiving psychiatric medical care at College Hospital in Signal Hill, California. [redacted] said he believed Suspect Kirkwood had not been taking his psychiatric medications for about one year.

> <u>**IAB Note:**</u> For further details, refer to Homicide Bureau's summary of Parole Agent [redacted] interview on Exhibit A, Page 66.

<u>**SUSPECT STATEMENT**</u>

<u>**Kevin King Kirkwood**</u>, MB/24 was interviewed by Homicide Investigators at Century Regional Detention Facility on August 22, 2010, at 0925 hours. Kirkwood related the following:

Suspect Kirkwood told Homicide Investigators that he was on the run and was wanted by [redacted] He said he felt the world was coming to an end and everything was out of proportion. He stated that he gets mad at the world, due to the prescribed psychiatric medication he takes for depression. He added that [redacted] placed him in a program where he has to take prescribed medication from a doctor at College Hospital. Suspect Kirkwood said that is how everything began last night and how he felt it would be the end of his life; however, it did not go that way.

At the liquor store on 120th Street and Central Avenue, Suspect Kirkwood said he got into a couple of fights with some "Hispanics." He stated that at one time, he was surprised when he got sprayed in the face with some mace, which made him even madder.

Suspect Kirkwood recalled contacting a guy in the driver's seat of a dark colored vehicle that was parked in the parking lot. He said he punched the driver in the face, who then moved over to the passenger seat in order to get away from him. He denied stabbing the driver and does not remember holding a knife or a screwdriver in his hand as he punched the victim.

Suspect Kirkwood admitted to two separate incidents where he contacted individuals inside parked vehicles at the liquor store.

Suspect Kirkwood said that just prior to contacting the guys in the dark colored vehicle, he contacted another male inside a grey or silver colored car. He stated that there were two guys inside the grey/silver car when he approached it and told the driver to roll down the window. Suspect Kirkwood denied forcing the window down; however, he admitted placing his hands on the car. The car then drove away and stopped at Central Avenue, where Suspect Kirkwood said he approached it and punched the right passenger side window shattering it. Suspect Kirkwood believed that is how he injured his left hand.

Suspect Kirkwood told Homicide Investigators he acts that way when he does not take his medication.

Suspect Kirkwood said the contents of the backpack contained hammers, screwdrivers and wrenches because he was going to help a man with work at an apartment complex. He stated that he was not drinking alcohol during the incident and was sober.

Suspect Kirkwood explained that when he saw the Sheriff's patrol car drive into the parking lot, three males were walking toward him at the same time. He said that as the deputies jumped out of the patrol car, he told them, "Please don't get out of your car." At that time, Suspect Kirkwood thought of running away, but then remained because he wanted deputy personnel to kill him.

Suspect Kirkwood said the passenger deputy exited the patrol car first. He stated that as he walked back toward the liquor store, he heard the deputies yelling at him to freeze, as they shined their light on him.

Suspect Kirkwood told Homicide Investigators that he was holding his backpack with one hand and the other hand was inside the backpack. When Detective Rubino asked Suspect Kirkwood why he had his hand inside the backpack, Suspect Kirkwood replied, "He was really supposed to shoot me in the head and kill me right there." Suspect Kirkwood added that he really wanted deputies to believe that he was going to pull out a gun from the backpack. When Detective Rubino asked Suspect Kirkwood why he wanted the deputies to kill him, he replied, "Because that was my death day. Last night

was supposed to be my death day."

Suspect Kirkwood stated that the deputy fired three to four bullets at him from his handgun. He said he was holding the backpack at waist level with his left hand, while his right hand was inside the backpack.

Observations from detectives were that of a pentagram tattoo on the right side of Suspect Kirkwood's neck. He told detectives that he is a devil worshiper. He added that he has been a "Carver Park Crips" gang member since he was 13 or 14 years old and goes by the moniker of "Noon." He stated that he is no longer a gang member since he got out about a year ago.

Detectives observed a small laceration on top of Suspect Kirkwood's head, as well as a bandaged left hand that the suspect stated he fractured when he punched the car window.

> **IAB Note:** For further details, refer to Homicide Bureau's summary of Parole Agent [redacted] interview on Exhibit A, Page 63.

SUSPECT'S INJURIES:

Suspect Kirkwood sustained a grazing bullet wound to the top of his head from shots fired by deputy personnel. He also sustained a fractured left hand from punching a car window during his assault against victims at the location. He was transported to Saint Francis Medical Center where he was treated, and okayed for booking.

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

Collected by Scientific Services Bureau, Crime Scene Investigators:

EVIDENCE:

EV 1 thru **EV 3** - 9mm Shell Casings
EV 4 - Blue Backpack
EV 5 - Blue Jacket
EV 6 - Hammer
EV 7 - Yellow handle screwdriver
EV 8 - Wire cutter
EV 9 - Black Jacket, Black hooded jacket, Metro PCS Cell Phone, knife handle wrapped in yellow tape

EV 10 - Black Shoes, 1 pair of black socks
EV 11 - Black handle screwdriver
EV 12 - White tank top and Black pants
EV 13 - Yellow and blue handle screwdriver
EV 14 - Black head cover and black piece of cloth
EV 15 - Black beanie
EV 16 - Black long sleeve shirt
EV 17 - Bullet (9mm)
EV 18 - Fired Bullet (9mm)
EV 19 - 1 Blue and 1 yellow cigarette lighters
EV 20 - 3 Blue cigarette lighter
EV 21 - Expended bullet
EV 22 - Putty knife
EV 23 - Clothing, 1 Blue Jean pants and 1 White T-shirt

EV A thru **E** - Bullet Strikes

Location #1: 12000 S. Central Avenue, Los Angeles

Vehicle Description: LASD Patrol Unit SD6217 Ford Crown Victoria, Lic. 1288556 CA.

IAB Note: Refer to Exhibit A for further details on Page 95.

INVESTIGATORS OBSERVATIONS:

SCENE:

The following bullet holes and impacts were observed by Homicide Investigators Hecht and Rubino at the "Vercher Center" shopping center, located at 12000 S. Central Avenue, Los Angeles.

OBSERVATIONS:

A	One bullet impact to the "Mission USA" store front building column. The bullet impacted the north side of the stucco column and traversed in a southeast direction with no further trajectory that could be determined.

B	One bullet hole in the "Mission USA" store front west wall. The bullet penetrated stucco wall and lodged. The bullet traveled in a southeast direction with no further trajectory that could be determined.

C & E	Two bullet impacts to the "Mission USA" store front west wall. The bullet impacted the stucco wall and traveled in a southeast direction with no further trajectory that could be determined.

D One bullet hole in the "Mission USA" store front west wall. The bullet penetrated the stucco wall and traveled in a southeast direction with no further trajectory that could be determined.

> **IAB Note:** During the crime scene documentation, Firearms Examiner Michael Munoz noted to both Homicide Bureau and Internal Affairs Investigators that although he observed five bullet impacts, C&E were old impacts not related to the incident.

EVIDENCE:

The following evidence items were collected and submitted for examination under laboratory receipt number: **K227540**.

Items 1, 2 & 3	Three fired 9mm Luger caliber cartridge cases from the parking lot in front of Vercher Liquor store.
Item 17	One fired bullet lodged in the stucco wall of the "Mission USA" store front west wall, which corresponds to bullet hole letter B.
Item 18	One fired bullet from the ground adjacent to the south wall of the Vercher Liquor store.
Item 21	One fired bullet from the parking lot adjacent to the front passenger door of the LASD patrol car SD6217.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY KASON BARRACLOUGH:

Service Weapon: Beretta, Model 92F, semiautomatic pistol bearing serial number BER[redacted]
Type of Ammunition: 9mm
Ammunition: One magazine containing thirteen (13) 9mm Luger caliber cartridges.
Shell Casings: Collected by Sheriff's Forensics Specialist Edna Roches.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]
Laser Village: [redacted]
Receipt #K227542: Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **(Refer to Exhibit A, Page 98)**

WEAPONS USED BY SUSPECTS:

Simulated handgun

PROPERTY DAMAGE:

Bullet holes to the stucco exterior of "Mission USA" store.

IAB Note: Refer to Exhibit A, Page 97 for further details.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	LASD Homicide Detectives Sergeant Stephen Rubino and Detective Peter Hecht
Court:	Superior Court of Los Angeles
Charges Filed:	243(C)(1) PC, 245(A)(1) PC, 69 PC, 12025(A) PC, 664/215(A) PC
Case Status:	Sentenced to North Kern State Prison, Delano: **4/19/2011**

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of darkness and the weather was clear. There were no artificial lighting in the parking lot; however, there were street lights on both 120th Street and Central Avenue that provided good illumination.